

IN THE U.S. PATENT AND TRADEMARK OFFICE



Applicants: Ford et al. )  
Serial No: 09/513,646 )  
Filing Date: February 25, 2000 ) Examiner: Ovidio Escalante  
Title: System and Technique for ) Group Art Unit: 2645  
Dynamically Injecting Live ) Confirmation No.: 7164  
Advertisements in the )  
Context of Real-Time )  
Isochronous )  
(Telephone Model) )  
Discourse )

RECEIVED

FEB 09 2004

Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed October 10, 2003, Applicant respectfully submits the following

Amendment:

**AMENDMENT**

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

Adjustment date: 09/20/2004 EEKUBAY1  
02/18/2004 VTOWLER 00000001 090441 09513646  
01 FC:1251 110.00 CR

02/18/2004 VTOWLER 00000001 090441 09513646  
01 FC:1251 110.00 CR

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PATENT MAINTENANCE  
DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 AUG 18 PM 4: 43

In re application of: Daniel A. Ford et al.

Serial No.: 09/513,646

Group Art Unit: 2645

Filed: 02/25/2000

Examiner: Ovidio Escalante

Attorney Docket: AM9-99-0165

Confirmation No.: 7164

Title: SYSTEM AND TECHNIQUE FOR DYNAMICALLY INTERJECTING LIVE  
ADVERTISEMENTS IN THE CONTEXT OF REAL-TIME ISOCHRONOUS  
(TELEPHONE-MODEL) DISCOURSE

**REQUEST FOR REFUND**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to a one-month extension fee for \$110.00 incorrectly charged for the above-identified application on February 18, 2004. An office action was mailed on October 10 2003, setting a three month period for reply by Saturday, January 10, 2003. An Amendment was timely mailed on the next business day, January 12, 2004, so no extension fee was required. Applicant therefore requests a refund of the extension fee, to be credited to deposit account 09-0441, per 35 U.S.C. 42(d), 37 CFR 1.26, and MPEP 607.02.

Respectfully submitted,  
Daniel A. Ford et al.

AUGUST 13, 2004

By

  
Leonard T. Guzman (#46,308)  
Attorney for Applicant  
Phone (408) 927-3377

LTG:srd  
Attachments

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Docket AM9-99-0165

PATENT TRANSMITTAL  
DIVISION

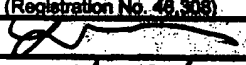
PTO/SB/21 (02-04)

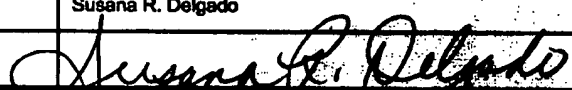
Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/513,646	
	Filing Date	02/25/2000 <b>2004 AUG 18 PM 4:43</b>	
	First Named Inventor	Daniel A. Ford	
	Art Unit	2845	
	Examiner Name	Ovidio Escalante	
Total Number of Pages in This Submission	<b>5</b>	Attorney Docket Number	AMS-99-0185

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Return Receipt Postcard 2. Transmittal Form
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Leonard T. Guzman (Registration No. 48,306)
Signature	
Date	<b>8/13/2004</b>

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Susana R. Delgado
Signature	
Date	<b>8/13/04</b>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# PATENT MAINTENANCE DIVISION

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **0.00**

Complete if Known

Application Number	09/513,646
Filing Date	02/25/2000
First Named Inventor	Daniel A. Ford
Examiner Name	Escalante, Ovidio
Art Unit	2645
Attorney Docket No.	AM9-99-0165

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number	09-0441
Deposit Account Name	IBM Corporation

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) <b>0.00</b>

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		X			
Multiple Dependent Claims		-3** =		X			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 65	Non-English specification	
1812 2,520	2812 1,260	For filing a request for ex parte reexamination	
1804 920	2804 460	Requesting publication of SIR prior to Examiner action	
1805 1,840	2805 920	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 960	2253 480	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	2451 755	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 65	Petitions to the Commissioner	
1807 50	2807 25	Processing fee under 37 CFR 1.17(q)	
1808 180	2808 90	Submission of Information Disclosure Stmt	
8021 40	28021 20	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 450	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **0.00**

#### SUBMITTED BY

Name (Print/Type)	Leonard T. Guzman	Registration No. (if applicable)	48,308	Telephone	408-927-3377
Signature		Date	8/13/2004		

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